

## UNITED STATES DISTRICT COURT

for the

Southern District of Indiana

United States of America  
v.

THOMAS JAMES ISRAEL II,

*Defendant(s)*

Case No.

1:20-mj-0655

## CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of December 1, 2019 - June 17, 2020 in the county of Marion in the  
Southern District of Indiana, the defendant(s) violated:*Code Section**Offense Description*Count 1: 18 U.S.C. § 2251(a) and  
(e)

Sexual Exploitation of a Child / Attempted Sexual Exploitation of a Child

This criminal complaint is based on these facts:

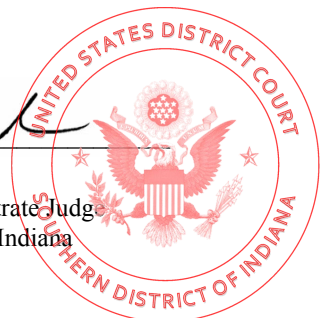
See attached affidavit.

☒ Continued on the attached sheet.

s/ Darin Odier

*Complainant's signature*

Darin Odier, TFO FBI

*Printed name and title*Attested to by the applicant in accordance with the requirements of Fed.R.Crim.P. 4.1 by  
\_\_\_\_\_  
telephone \_\_\_\_\_ (reliable electronic means)Date: Aug. 4, 2020City and state: Indianapolis, INTim A. Baker  
United States Magistrate Judge  
Southern District of Indiana

**AFFIDAVIT IN SUPPORT OF CRIMINAL COMPLAINT**

I, Darin Odier, being duly sworn, hereby depose and state as follows:

1. **Affiant:** I am a Detective in the Cybercrime Unit of the Indianapolis Metropolitan Police Department (IMPD). I am also a cross-designated Task Force officer assigned to the FBI's Indianapolis Violent Crimes Against Children Task Force.

2. **Experience:** I have over 31 years of law enforcement experience. I have investigated State and Federal criminal violations related to high technology or cybercrime, child exploitation, and child pornography. I have written numerous search warrants involving internet crimes against children cases and participated in their execution.

3. **Training:** I have attended and presented at the National Crimes Against Children Conference multiple times and attended numerous classes related to investigating the online sexual exploitation of children. I am also a member of the Indiana Internet Crimes Against Children Task Force, which includes federal, state, and local law enforcement agencies. I am currently assigned to operate in an undercover capacity on the internet to identify and investigate persons attempting to exploit or solicit sexual acts with children or trafficking in child pornography. As a Task Force Officer, I am authorized to investigate violations of the laws of the United States and to execute warrants issued under the authority of the United States.

4. **Information provided:** The statements in this affidavit are based on information obtained from my observations and communications, as well as information learned from other law enforcement officers and witnesses. Because this affidavit is being submitted for the limited purpose of securing an arrest warrant and criminal complaint, I have not included each and every fact known to the investigators concerning this investigation. I have set forth only the facts that I believe are necessary to establish probable cause that **Thomas James Israel II** committed a criminal offense.

5. **Probable Cause:** For the reasons listed below, there is probable cause to believe that **Thomas James Israel II**, DOB xx-xx-1976 (known to Affiant, but redacted) has committed the following offenses in the Southern District of Indiana and elsewhere:

A. **Count 1: Sexual Exploitation of a Child / Attempted Sexual Exploitation of a Child:** On or between December 1, 2019, and on or about June 17, 2020, within the Southern District of Indiana, in the Indianapolis area, Thomas James Israel II sexually exploited Minor Victim 1 a child less than 18 years of age, by using Minor Victim 1 to create a visual depiction of Minor Victim 1 engaged in sexually explicit conduct, using materials that travelled in interstate or foreign commerce, in violation of 18 U.S.C. § 2251(a) and (e);

6. **Statutory authority:**

A. **Sexual Exploitation of a Child and Attempt (18 U.S.C. § 2251(a) and (e)):** This statute provides that “Any person who employs, uses, persuades,

induces, entices, or coerces any minor to engage in, or who has a minor assist any other person to engage in, or who transports any minor in or affecting interstate or foreign commerce, or in any Territory or Possession of the United States, with the intent that such minor engage in, any sexually explicit conduct for the purpose of producing any visual depiction of such conduct or for the purpose of transmitting a live visual depiction of such conduct, shall be punished as provided under subsection (e), if such person knows or has reason to know that such visual depiction will be transported or transmitted using any means or facility of interstate or foreign commerce or in or affecting interstate or foreign commerce or mailed, if that visual depiction was produced or transmitted using materials that have been mailed, shipped, or transported in or affecting interstate or foreign commerce by any means, including by computer, or if such visual depiction has actually been transported or transmitted using any means or facility of interstate or foreign commerce or in or affecting interstate or foreign commerce or mailed.” It is also a crime to attempt to sexually exploit a child. 18 U.S.C. § 2251(e).

**7. Definitions:** The following definitions apply to this Affidavit:

A. The term “minor,” as defined in 18 U.S.C. § 2256(1), refers to any person under the age of eighteen years.

B. The term “sexually explicit conduct,” 18 U.S.C. § 2256(2)(A)(i-v), is defined as actual or simulated (a) sexual intercourse, including genital-genital, oral-genital, anal-genital, or oral-anal, whether between persons of the same or opposite sex; (b) bestiality; (c) masturbation; (d) sadistic or masochistic abuse; or

(e) lascivious exhibition of the genitals or pubic areas of any person.

C. The term “visual depiction,” as defined in 18 U.S.C. § 2256(5), includes undeveloped film and videotape, data stored on computer disc or other electronic means which is capable of conversion into a visual image, and data which is capable of conversion into a visual image that has been transmitted by any means, whether or not stored in a permanent format.

8. **Investigation of Thomas James Israel II:** On June 18, 2020, Detective Darin Odier an FBI Task Force Officer and Indiana ICAC Task Force officer observed a child forensic interview of a minor child victim (MV1).

9. MV1 resides in the Southern District of Indiana, and was born in 2005.

10. During the forensic interview, MV1 disclosed that she has met several adult males online on the Omegle, Kik and Snapchat apps. MV1 stated that Snapchat was the primary method of communication with these men and that multiple men, on multiple occasions asked MV1 for sexually explicit images of MV1. On multiple occasions, MV1 produced sexually explicit images and/or videos and sent them to them, via snapchat.

11. According to MV1, in early 2020, MV1 began sneaking out of her residence and meeting in person the adult males that she had met online. According to MV1, the adult males would pick her up down the street from her residence and drive to a parking lot and engage in sexually explicit conduct with MV1. This occurred on multiple occasions with at least 4 different men. All of these meetings and sexually explicit conduct occurred in the Southern District of Indiana.

12. MV1 provided the forensic interviewer first names and other information about the adult males she's met in person to engage in sexually explicit conduct.

13. MV1 also disclosed that one of the men used his cell phone to record the sexually explicit conduct between the adult male and MV1 in his vehicle. According to MV1, later, the adult male sent the video to MV1 via Kik. MV1 described the male as "James" who a white male, 43 and from Ft Wayne. MV1 said that she met "James" on at least two occasions in person. "James" was later identified by the means and methods set forth below as **Thomas James Israel II ("ISRAEL")**.

14. This affiant was provided a Chromebook that was used by MV1 to communicate with the adult males. Law enforcement was also given consent to access the device and the online accounts used by MV1 to retrieve evidence and attempt to identify adult male suspects.

15. A preliminary forensic examination found a video of MV1 engaging in sexually explicit conduct with an adult male that matched the description of the video described by MV1 in paragraph 13. This adult male was later identified as **ISRAEL**. During the video, **ISRAEL's** face is briefly visible and his voice can be clearly heard berating and directing MV1 to engage in sexual activity and engage in sadomasochistic behavior. **ISRAEL's** penis is clearly visible in the video.

16. Based on MV1's description, I believe that the adult male is "James" as described by MV1.

17. The interior of the vehicle is also briefly visible in the video.

18. Additionally, during the examination of MV1's Chromebook and online accounts, officers discovered a screen shot of a Kik conversation between MV1 and a person using Kik screen name "Mister Mister" in which the user admits to having sex with MV1 and knowing she is a minor child.

19. On July 7, 2020, this affiant met with MV1 and asked her about the "Mister Mister" Kik user. MV1 showed this affiant the Kik profile for Mister Mister. The account has a username of MrMister2013. MV1 further disclosed that person using MrMister2013 is the adult male "James" she described in paragraph 13 who recorded the sexually explicit conduct with MV1 in his vehicle.

20. This affiant requested and received a search warrant to Kik, c/o MediaLab.ai Inc for the account with username MrMister2013. The warrant was issued in Marion Superior Court on July 7, 2020.

21. On July 13, 2020 this affiant received a response return from Kik. The subscriber information for Kik username MrMister2013 lists an email address of reluctantprophet@hotmail.com and log-in IP addresses.

22. Law enforcement ran the email address through a commercially available database and results showed reluctantprophet@hotmail.com was associated with **Thomas James Israel II**, W/M 44, with an address in Ft Wayne, Indiana.

23. This affiant reviewed a BMV image of **ISRAEL** and believes he is the male in the video engaged in sexually explicit conduct with MV1. I have compared a photograph of ISRAEL to the video itself and believe it to be the same person.

24. This affiant requested and received an administrative subpoena to

Frontier Communications for a June 4, 2020 log-in IP address from the Kik account MrMister2013. The return showed that the IP address was assigned to **Thomas Israel**, xxxx Hillside Ave. Fort Wayne, IN 46805 (address redacted but known to this Affiant). The account is still active.

25. A BMV search shows that **ISRAEL** has a 2012 Lexus, Indiana plate 261RDC, registered in his name. On July 23, 2020 a law enforcement officer drove by xxxx Hillside Ave. Fort Wayne (address redacted but known to this Affiant), IN 46805 and observed the Lexus in the driveway

26. On July 30, 2020, this Affiant obtained a search warrant in the Marion County Superior Court, authorizing the search of a vehicle, the residence xxxx Hillside Ave (address redacted but known to this Affiant) and the person of **Thomas James Israel II**.

27. On August 3, 2020, this Affiant and assisting officers with the Indiana Crimes Against Children task force executed the search warrants. **Thomas James Israel II** was located on the property of xxxx Hillside Ave (address redacted but known to this Affiant).

28. In an interview recorded with audio and video, this Affiant read **ISRAEL** his Miranda rights, which **ISRAEL** acknowledged understanding. During the interview, **ISRAEL** admitted to having used Kik in the past, and further admitted to being the user of the E-mail address reluctantprophet@hotmail.com.

29. Further, when I asked **ISRAEL** about the username "MrMister2013," **ISRAEL** said words to the effect that he may have used that username at some point



in the past. When this affiant asked **ISRAEL** about his sexual contact with MV1, using MV1's first name, **ISRAEL** said words to the effect that he "didn't know anybody by that name." After showing **ISRAEL** screen shots between MV1 and MrMister2013, including the conversation during which the user acknowledged knowing that MV1 was a minor when they had sexual contact, **ISRAEL** asked to speak to a lawyer.

30. While on-scene, this affiant was able to observe **ISRAEL** and clearly hear him speak. Based on **ISRAEL**'s appearance and voice, this affiant believes **Thomas James Israel II** is the adult male engaged in sexually explicit conduct with MV1 in the above described video.

31. **Forensic triage:** A preliminary triage and examination of multiple digital devices recovered seized began on-scene and is ongoing.

A. **Conclusions:** Based on the foregoing, I believe that **Thomas James Israel II** used MV1 to engage in sexually explicit conduct for the purpose of creating a visual depiction of MV1 engaged in the conduct. This Affiant recognized MV1 from the video and I have personally met her. I recognize **ISRAEL** in the visual depiction and based on my own observations of his physical appearance as well as his voice as described above.

32. **Interstate and Foreign Commerce:** **ISRAEL** used Kik to communicate with MV1. Kik is a Messaging service which uses the Internet, a means and facility of interstate and foreign commerce. The visual depiction of MV1 was produced and distributed using devices that were not manufactured or contain parts

that were not manufactured in the State of Indiana, and, therefore, travelled in interstate and foreign commerce.

33. **Venue:** MV1 is a resident of the Southern District of Indiana. **Thomas James Israel II** engaged in sexually explicit conduct with MV1, produced a visual depiction of this conduct while in the Southern District of Indiana, and distributed the visual depiction of the conduct to MV1 in the Southern District of Indiana.

34. **Conclusion** Based upon the contents of this Affidavit, there is probable cause to believe that **Thomas James Israel II** has committed the above listed offense. I respectfully request that the Court issue a Criminal Complaint and Arrest Warrant for **Thomas James Israel II** charging him with the offense listed above.

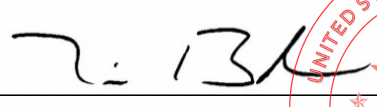
s/ Darin Odier

---

Task Force Officer Darin Odier  
Federal Bureau of Investigation

Attested to by the applicant in accordance with the  
requirements of Fed. Crim. P. 4.1 by telephone.

Dated: August 4, 2020

  
\_\_\_\_\_  
Tim A. Baker  
United States Magistrate Judge  
Southern District of Indiana

